

Consideration of recommendation for preliminary adoption of amendments to 312 IAC 9-3-14.5 that govern the possession of furbearing mammals and 312 IAC 9-3-15 governing the taking of nuisance wild animals by landowners and tenants; Administrative Cause No. 10-100D

The changes are summarized as follows:

- 1) Allows only raccoons, red foxes, gray foxes and coyotes to be possessed live during the trapping season for that species of animal. All other furbearers that are trapped would need to be released within the county of capture or euthanized within 24 hours of capture.
- 2) Sets forth housing requirements for raccoons, red foxes, gray foxes, and coyotes kept live during the trapping season. There are currently no requirements for how a furbearing mammal can be kept during the trapping season for that animal, and the game breeder's license is not required until five (5) days after the end of the season. These requirements are very similar to those for furbearers kept under a game breeder license.
- 3) Requires furbearers kept live during the trapping season to be euthanized at the end of the trapping season or be kept under a game breeder license. This provision would prohibit these furbearers from being released into the wild after being retained in captivity to help prevent the spread of diseases and parasites.
- 4) Removes the requirement for resident landowners or tenants to notify a conservation officer within 72 hours of taking a nuisance mammal listed in this rule (312 IAC 9-3-15). This change is supported by law enforcement.

The DNR is requesting a recommendation for preliminary adoption of these proposed changes.

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #10-

DIGEST

Amends 312 IAC 9-3-14.5 to specify requirements for the release and possession of live furbearing mammals during the season and the disposition of furbearing mammals taken during the hunting and trapping season. Amends 312 IAC 9-3-15 governing the taking of a wild animal that is damaging property. Effective thirty (30) days after filing with the Publisher.

312 IAC 9-3-14.5

312 IAC 9-3-15

SECTION 1. 312 IAC 9-3-14.5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-14.5 Possession of furbearing mammals

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 14.5. (a) An individual must not possess the untanned hide or unprocessed carcass of any of the following species that have been lawfully taken ~~for more than twenty (20) days after the close of the hunting or trapping season~~ **except as authorized under subsection (d):**

- (1) Red fox (*Vulpes vulpes*).
- (2) Gray fox (*Urocyon cinereoargenteus*).
- (3) Striped skunk (*Mephitis mephitis*).
- (4) Beaver (*Castor canadensis*).
- (5) Mink (*Mustela vison*).
- (6) Muskrat (*Ondatra zibethicus*).
- (7) Long-tailed weasel (*Mustela frenata*).
- (8) Virginia opossum (*Didelphis marsupialis*).
- (9) Raccoon (*Procyon lotor*).

(b) An individual must not possess a live furbearing mammal ~~listed in subsection (a)~~ outside the hunting or trapping season except under one (1) of the following:

- (1) A game breeder license in compliance with IC 14-22-20 and 312 IAC 9-10-4.
- (2) A wild animal possession permit in compliance with 312 IAC 9-11.
- (3) A wild animal rehabilitation permit in compliance with 312 IAC 9-10-9.
- (4) A scientific purposes license in compliance with 312 IAC 9-10-6.
- (5) A nuisance wild animal control permit in compliance with 312 IAC 9-10-11.
- (6) A registered or licensed educational or scientific institution with the United States Department of Agriculture in accordance with 9 CFR, Chapter 1, Subchapter A, Parts I through IV.
- (7) A breeder or dealer license issued by the United States Department of Agriculture under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(c) An individual must not sell a live furbearing mammal ~~listed in subsection (a)~~ except:

- (1) during the hunting and trapping season established in this rule for that ~~animal~~ **species**; or
- (2) with a valid game breeder license in compliance with IC 14-22-20 and 312 IAC 9-10-4.

(d) An individual ~~must not~~ **may** possess the untanned hide **or unprocessed carcass** of a furbearing mammal listed in subsection (a) as follows:

- (1) during the hunting and trapping season established in this rule for that ~~animal~~ **species**;
- (2) for not more than twenty (20) days after the close of the hunting or trapping season as established in this rule for that ~~animal~~ **species**;
- (3) with a valid fur buyer's license in compliance with IC 14-22-19 and 312 IAC 9-10-12;
- (4) with a valid taxidermy license in compliance with IC 14-22-21 and 312 IAC 9-10-5; or
- (5) with a valid special purpose salvage permit in compliance with 312 IAC 9-10-13.5.

(e) **Except as authorized in subsection (g), an individual who traps a furbearing mammal must within twenty-four (24) hours of capture either:**

- (1) **release the furbearing mammal into the wild in the county in which it was captured; or**
- (2) **euthanize the furbearing mammal immediately after removal from the trap or transport from the trap site.**

(f) **A captive furbearing mammal that is being transported must be properly handled in an expeditious manner to prevent unnecessary physical injury.**

(g) **An individual who lawfully takes a:**

- (1) **raccoon;**
- (2) **red fox;**
- (3) **gray fox; or**
- (4) **coyote**

during the trapping season for that species may possess that animal live in captivity during the remainder of the trapping season for that species only as provided in subsections (f) and (h).

(h) **After removal from a trap and transport from the trap site, an individual possessing a furbearing mammal under subsection (g) must:**

(1) **confine the mammal in a cage or other enclosure as follows:**

- (A) **that makes escape of the mammal unlikely and prevents the entrance of a free-roaming mammal of the same species.**
- (B) **that is structurally sound.**
- (C) **that is of sufficient strength for the species involved.**
- (D) **that is maintained in good repair and smoothly secured to prevent escape or injury to the mammal in the enclosure.**
- (E) **that is constructed to allow sufficient space for individual posture, to turn about freely, and make normal social movements.**
- (F) **that is secured when unattended with protective devices at entrances and exits to prevent escapes if kept outdoors and if needed to prevent injuries to human or the mammal's health.**
- (G) **that has ambient ventilation by means of windows, doors, vents, fans, or air conditioning to protect the health of the mammal and to minimize drafts, odors and condensation.**
- (H) **night quarters, transportation cages, and nesting boxes may not be used as primary housing.**
- (I) **surface water must be adequately drained from a cage or enclosure where the mammal is housed.**
- (J) **adequate lighting shall be provided by artificial or natural means and cycled for appropriate photoperiod, if necessary for the mammal in possession.**

(2) **provide the following for the comfort of the particular species of mammal:**

- (A) **fresh, clean drinking water in clean containers on a daily basis.**

- (B) appropriate and adequate food that is:**
 - (i) unspoiled,**
 - (ii) uncontaminated.**
 - (iii) appropriate to the dietary needs of the mammal.**
 - (iv) of sufficient quantity for the mammal involved.**
 - (v) provided on a daily basis.**
- (C) adequate shelter from the elements.**
- (D) adequate shade.**
- (3) remove and dispose of food wastes, feces and urine and bedding from the enclosure and premises daily to maintain sanitary conditions and protect the mammal and human health.**
- (4) Remove trash, garbage, debris, and carcasses from the enclosure as soon as they are observed and appropriately disposed of.**
- (5) Either:**
 - (i) euthanize a mammal possessed under this section no later than the last day of the season for that species; or**
 - (ii) apply for a game breeder license under IC 14-22-20 and 312 IAC 9-10-4 within five (5) days after the close of the season for that species.**
- (6) Make a mammal possessed under this section available for inspection by a conservation officer upon request.**

(Natural Resources Commission; 312 IAC 9-3-14.5; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; readopted filed Nov24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)

SECTION 2. 312 IAC 9-3-15 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-15 Taking beavers, minks, muskrats, long-tailed weasels, red foxes, gray foxes, opossums, skunks, raccoons, or squirrels to protect property

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 15. (a) Notwithstanding the requirements of this rule, a resident landowner or a tenant may, without a permit at any time, take:

- (1) a beaver;
- (2) a mink;
- (3) a muskrat;
- (4) a long-tailed weasel;
- (5) a red fox;
- (6) a gray fox;
- (7) an opossum;
- (8) a skunk;
- (9) a raccoon;
- (10) a fox squirrel; or
- (11) a gray squirrel;

that is discovered while damaging property.

(b) ~~An individual who takes a mammal under subsection (a) must report the taking to a conservation officer within seventy two (72) hours of the taking. The individual must dispose of the mammal in a lawful manner. An individual must not:~~

- (1) release a the mammal except on land in the county where the mammal was captured only with permission of the landowner or property manager; or**
- (2) euthanize the mammal within twenty-four (24) hours of capture.**

(c) An individual who takes a mammal under subsection (a) must not:

(1) possess the mammal for more than twenty-four (24) hours.

(2) sell, trade, barter or gift the mammal.

(Natural Resources Commission; 312 IAC 9-3-15; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540; readopted filed Nov24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Mar 12, 2010, 1:28 p.m.: 20100407-IR-312090479FRA)